

FISCAL NOTE

TO: Chief Clerk of the Senate
Chief Clerk of the House

FROM: James A. Davenport, Executive Director

DATE: March 28, 1995

SUBJECT: **HB 1220 - SB 1532**

This bill, if enacted, will eliminate probation eligibility for persons who have previously been placed on probation for a misdemeanor or felony. The bill eliminates probation for those persons who plead guilty or are found guilty of driving under the influence, child endangerment, vehicular homicide and vehicular assault. The probation supervision fee is increased from \$10 to a sum not to exceed \$35 per month. Provisions allowing persons eligible for probation to have their records cleared of the charges are deleted and a state registry of persons placed on probation will be maintained. The bill does not specify an agency to maintain the registry.

The fiscal impact from enactment of this bill is estimated to be an increase in recurring state revenues of \$684,000. This estimate is based upon 4,750 offenders paying an average increased fee of \$12 per month. Enactment of the bill will result in an increase in local government revenue from increased fees paid by misdemeanor offenders; however, the amount of such increase cannot reasonably be determined but is estimated to exceed \$100,000.

Further, it is estimated that enactment of the bill will result in an increase in state expenditures of \$3,338,938 for incarceration*. This estimate is based upon the following number of offenders that will be incarcerated rather than being placed on probation:

Offense	Offenders	Sentence to Serve	Cost
Vehicular Homicide	19	365 days	\$ 252,919
Vehicular Assault	30	276 days	301,972
Child Endangerment (DUI)	1	219 days	7,987
2nd Time Probation-Diversion	19	127 days	88,002
2nd Time Court Probation	274	269 days	<u>2,688,058</u>
		Total	\$3,338,938

Enactment of this bill is also estimated to result in an increase in local government** expenditures to incarcerate persons no longer eligible for probation for misdemeanor offenses. The amount of such increase cannot be reasonably determined but is estimated to exceed \$100,000.

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director

*Section 9-6-119, TCA, requires that: *For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law.*

**Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

